IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

JAIME VIAL, as representative of the heirs of Rene Correa Borquez and on behalf of other persons similarly situated,

Plaintiff,

v.

BRENDA MAYRACK, in her individual capacity and official capacity as Director of the Office of Unclaimed Property of the State of Delaware; BRIAN WISHNOW, in his official capacity as the Assistant Director Enforcement of the Office of Unclaimed Property; and RICHARD J. GEISENBERGER, in his official capacity as the Secretary of Finance for the State of Delaware, and COLLEEN C. DAVIS, in her official capacity as the Treasurer for the State of Delaware,

Defendants.

Case No.: 1:24-cv-01313-MN

DECLARATION OF EXPERT WITNESS JAN PETERS IN SUPPORT OF PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

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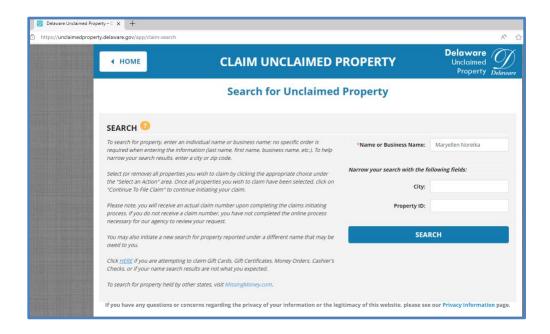
Attorneys for Plaintiff and Class Members

- 1. I make this Declaration in support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction. The facts set forth in this Declaration are of my own personal knowledge, and if called as a witness, I could and would testify competently as to their truth.
- 2. I am an expert in the technical area of Information Technology. From 2000 to June 2010, I was a Senior Software Development Engineer and Senior Business Development Specialist at Amazon's German subsidiary, Amazon.de. In these roles, I functioned as a professional Information Technology ("IT") specialist, including working to integrate and utilize search engines like Amazon S3 or Google Search into hundreds of online shops I have launched or consulted since 2000. Since the middle of 2010, I have been serving as Senior eCommerce IT Specialist at BMW Global. In that role, I developed, maintained, and operated 90% of all online sales platforms of BMW, MINI, Rolls Royce and BMW Motorrad, always exploring and utilizing most actual search engine technologies and underlying data engineering to optimize the achievement of challenging sales targets. Based on my vast experience working with websites, I offer the following observations and opinions.
 - 3. I have visited the Delaware Unclaimed Property website:

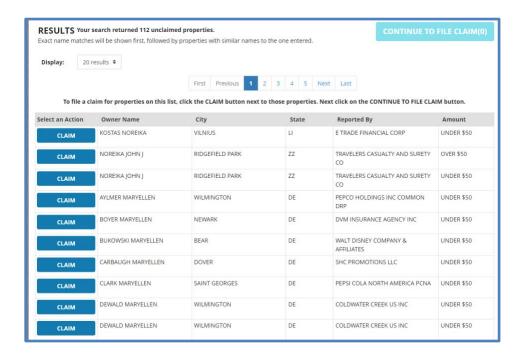
https://unclaimedproperty.delaware.gov/

This website is plagued by many easily-remedied deficiencies that make it more difficult (or impossible) to locate unclaimed property.

4. The below is a representative screenshot searching for the name of the Honorable Judge in this case "Maryellen Noreika," as an example:

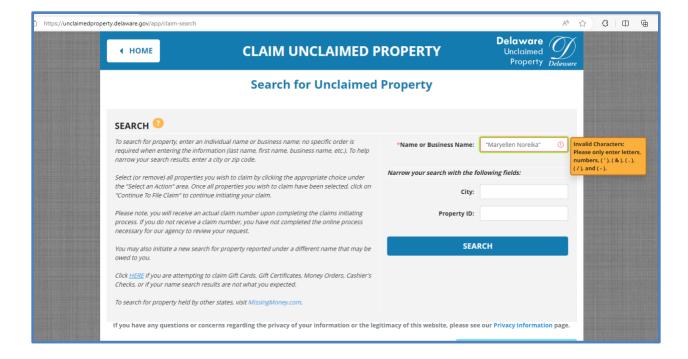


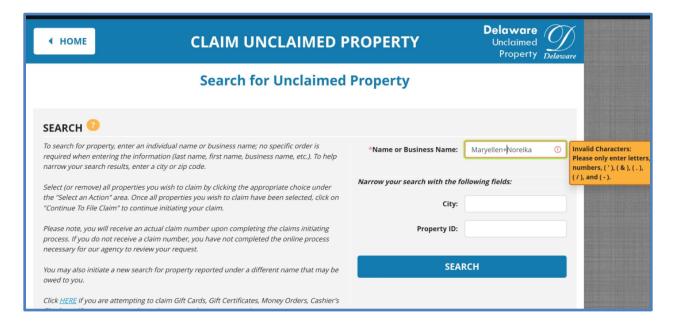
5. This search yields 112 unclaimed properties, which contain either "Maryellen" or "Noreika."



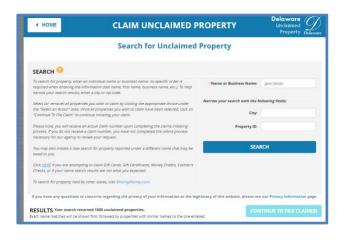
6. This result is because the search algorithm does a full text search and considers any string given to it. It does not allow any narrowing or tuning of the search—such as searching for an exact match by using quotation marks around the full name. This website is primitive. With regular modern search engines one could force the search to combine strings, simply by putting it in quotation

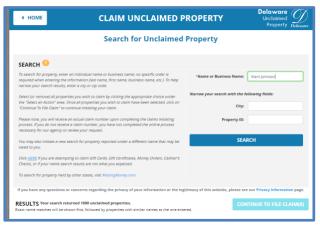
marks or combining both with a + (so both strings must be present). Regular search engines also would exclude strings by putting a simple dash ("-") right before the to-be-excluded string. For example, inputting "Peters -Peterson" would search for Peters, but exclude any Peterson from the result. This would allow it to narrow down any search tremendously. However, the form used by the State of Delaware does not allow one to input a quotation mark, a plus sign, or a minus sign into the search field. Without this, the search result even of that not very common name becomes inoperable for most users.

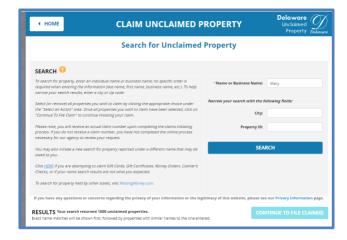




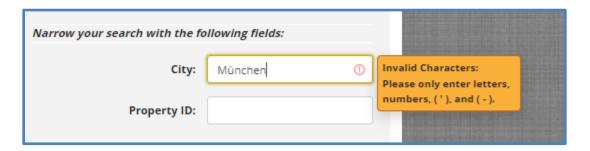
- 7. Nor does the Delaware website sort the results in an intelligent way, for example sorting the data received from the search by best result, which would cause a 100% match to appear first. Here, the list is sorted completely randomly, which includes matches for either "Maryellen" or "Noreika" in any appearance (last/middle/first name)—burying results in noise and rendering property holders less able to sift through results to find their name.
- 8. Based on my experience working on websites, the result order is very likely dependent on the search process—i.e., how the software script runs through the database—rather than any logical order.
- 9. This problem grows exponentially with more common names. In fact, it appears that the website's database is limited to 1000 results when the name is common—and does even list all of the properties beyond 1000. For example, searching for "John Smith" or "Mark Johnson" or simply "Mary" all yielded exactly 1000 results. There are clearly more than 1000 results found for these common researches, but the cap is limited to 1000.







- 10. Accordingly—unless by sheer coincidence all of these names yield exactly 1000 properties—some seized properties go completely unlisted and will never be found.
- 11. Furthermore, German Umlauts such as ü/ä/ö are forbidden from being entered into the search field. As a result, for example, a user does not have the opportunity to narrow the search, by entering cities such as "München" in the city field.



- 12. Even beyond the search problems, the results themselves do not enable an owner to ensure that the property referenced is actually theirs.
- 13. When searching for one's property, the only fields listed include the "owner name," "city," "state," "reported by," and "amount."



- 14. Delaware does not include address information for individuals whose property it holds, even though the Delaware knows the addresses for all of its residents through, among other things, income tax records and Department of Motor Vehicle records.
- 15. Moreover, the website does not contain *any* address field whatsoever—even the last known address—to allow the individual to confirm that it is in fact his/her property.

- 16. Delaware's website does not contain a description of the property to allow the individual to confirm that it is in fact his/her property. Such a description would also help the individual determine what exactly was taken.
- 17. Delaware's website does not provide dates of when the property was taken, which would also assist the individual determine what exactly was taken.
- 18. Despite including a field titled "amount," it does not actually provide the value of the property, except to note whether it is above or below \$50.
- 19. Based on my advanced understanding of websites, adding these fields would not be difficult or at all burdensome. And adding these fields would assist individuals in determining whether they actually had property escheated to the state.
- 20. Moreover, to the best of my knowledge the contents of the database are not available on search engines (such as Google). Allowing for the database to be crawled by search engines would also not be difficult—and would allow individuals to locate their seized property more easily.
- 21. I also ran another search. The below is a representative screenshot searching for the name of opposing counsel Arthur G. Connolly III in this case "Arthur Connolly" as an example.

	ADTILLID C CONNOLLY	WILMINGTON	DE	CLUBCORD CLUB ODERATIONS	OVED \$50
CLAIM	ARTHUR G CONNOLLY	WILMINGTON	DE	CLUBCORP CLUB OPERATIONS, INC.	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	ANCHOR PACIFIC UNDERWRITERS INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	WASTE MANAGEMENT HOLDINGS INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	UNITED MERIDIAN CORP.	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	ANCHOR PACIFIC UNDERWRITERS INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G III	WILMINGTON	DE	CHUBB GROUP OF INSURANCE COMPANIES	UNDER \$50

In sum, this primitive website conveys no notice to property owners and though it 22. could be updated and corrected, it is seriously flawed and largely inoperable. Objectively, it is not an example of a government actually wishing to return property to its owner.

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing is true and correct. Executed on December 20, 2024 at Munich, Germany.